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Retrotec Inc.

1060 East Pole Rd. Everson, WA USA 98247

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the Petition to Cancel was couriered via United Parcel Services (UPS) Tracking Number: **1Z83118X0372177131**

Mr. Gary Nelson
The Energy Conservatory
2801 21st Ave. South
Suite 160
Minneapolis, MN 55407

This Certificate was executed by me in Everson, Washington

A handwritten signature in black ink, appearing to read "Mario Dionne", with several long, sweeping strokes extending to the right.

Mario Dionne
Managing Director
Retrotec Inc.

Dated: **September 14, 2012**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND APPEAL BOARD**

Petition for Cancellation

Petitioner Information:

Name: Retrotec Inc.
Company Type: Corporation
Incorporated: State of Washington
Address: 1060 East Pole Road
Everson, WA, 98247
USA

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09/20/2012 SWILSON1 00000008 1811481
01 FC:6401 300.00 DP

Registration Subject to Cancellation:

Registrant: Energy Conservatory, Inc., The
Registration Number: 1811481
Registration Date: 12/14/1993
Mark: DUCT BLASTER
International Class: 009

Goods and Services:

All of the goods in this class: IC009 Cancelled Goods and Services
Testing and measuring apparatus; namely, motor driven fans and
blowers used to measure air leakage rates in ducts and structures
having air passages.
First Use: 1992-11-18 First use in commerce: 1992-11-18

Grounds for Cancellation:

Genericness Trademark Act Section 23


09-19-2012

U.S. Patent & TMO/TM Mail Rpt Dt #72

Petition for Cancellation:

Retrotec Inc., a Washington Corporation located and doing business at 1060 East Pole Road, Everson, WA, 98247 hereby petitions the Trademark Trial and Appeal Board (TTAB) to cancel the IS Trademark registration No. 1811481 which was registered on December 14, 1993 in International Class 009. The following facts and reasons are set forth in support of this Petition for Cancellation:

1. The Mark is now a common term in the energy conservation industry and it is now a generic glossary term used to refer to the type of testing performed by using that type of apparatus. The following are examples of this generic use of the Mark:

- i. In the Department of Energy document, Guide to Becoming a Home Performance Contractor, the Mark is used as a glossary term on page 46 as follows:

“Basic Concept: Whereas a blower door pressurizes an entire home, a **duct blaster** pressurizes only the home’s duct system. Measuring the amount of airflow needed to bring the duct system up to a standard level tells you the amount of air leaking out of the system.”

- ii. In the HBH Reference Manual, Version 4.25 published by NC HealthyBuilt Home Programs, in the Prerequisite 7 section of the manual:

“Note: If fresh air is introduced into the air handling system without an electronic controller for the fresh air damper, RESNET requires that the **duct blaster test** be run with the damper open, which will increase the duct leakage reported.”

- iii. In the Mid-Atlantic Technical Reference Manual Version 2.0 prepared by Vermont Energy Investment Corporation and facilitated and managed by Northeast Energy Efficiency Partnerships, the Mark is quoted in two footnotes as a generic term and those footnotes which are #252 and #266 read as follows:

“Ideally, the System Efficiency should be obtained either by recording the AFUE of the unit, or performing a steady state efficiency test. The Distribution Efficiency can be estimated via a visual inspection and by referring to a look up table such as that provided by the Building Performance Institute: (<http://www.bpi.org/files/pdf/DistributionEfficiencyTable-BlueSheet.pdf>) or by performing **duct blaster testing.”**

- iv. In a presentation in December 2011 in New Orleans at the 2011 National Weatherization Training Conference, Ducts: How the System Works by Messrs. Brodbeck and Martin on behalf of the US Department of Energy, Energy Efficiency & Renewable Energy referred to the Mark generically as follows: “a duct blaster as a calibrated air flow measurement system used to test and document the Air tightness of forced air distribution system. The **duct blaster** can measure total leakage of a duct system (inside and outside) and with the use of a blower door can measure outside

leakage. Outside leakage is important to weatherization programs, unless inside leakage is causing safety or durability issues.”

- v. In a Volume 10 of Building America Best Practices Series, Retrofit Techniques & Technologies, Air Sealing, A Guide for Contractors to Shares with Homeowners prepared by Pacific Northwest National Laboratory and Oak Ridge National Laboratory for the US Department of Energy, Energy Efficiency & Renewable Energy; published on April 12, 2010, they referred to the Mark generically in the following manner: “A **Duct Blaster** (duct pressurization test) uses a calibrated fan to test the air leakage rate in air ducts. Another approach uses a blower door and a shallow pan (a pressure pan) to cover each register and grill to measure and prioritize duct leaks.”
- vi. In Appendix B of the Georgia State Supplements and Amendments to the International Energy Conservation Code (2009 Edition), The Georgia Department of Community Affairs in the Duct Tightness Testing protocol refers to the Mark as a glossary term in the following manner:

Duct Testing: A duct pressurization blower (e.g., **duct blaster**), a modified blower door subtraction method, or a computer automated multipoint blower door subtraction method shall be used to measure duct tightness. When using a duct pressurization blower (e.g., **duct blaster**), all register boots shall be taped or otherwise sealed during the test. If using a blower door subtraction approach, all register boots shall be taped for one portion of the two-part test. For all tests, the blower door and **duct blaster** manufacturers’ testing protocol should be used in addition to following:

1. Set combustion appliances to pilot that are inside the building thermal envelope (if applicable).
2. Turn off the heating, cooling and ventilation system(s) ensuring all zone dampers are in the open position.
3. Do not tape over outside air duct supplying air for ventilation systems (including a central-fan-integrated distribution system), but do close the ventilation damper.
4. Do not add any additional temporary tape or air sealing to the HVAC system for testing purposes.

If using the duct pressurization blower (e.g., **duct blaster**), the duct system shall be pressurized or depressurized to 25 Pascals with reference to the outside and the cfm of duct leakage shall be measured at this test pressure (CFM25).

- vii. In the U.S. Department of Energy, November 2011 Building America report, Measure Building: Summary of Interior Ducts in New Construction, Including an Efficient, Affordable Method to Install Fur-Down Interior Ducts, the Mark was portrayed as the definition for testing ducts using air leakage equipment on page 26 (**Duct Blaster**,) and page 43 (**Duct Blaster Testing**).

- viii. The National Renewable Energy Laboratory August 2002 report, Building America System Performance Test Practices: Part 2, Air-Exchange Measurements, uses the Mark, **Duct Blaster**, as a chapter heading on the Table of Contents (pages I and ii), and as a glossary term in the following passages:

“A **Duct Blaster**, a device similar to a blower door, is used to pressurize only the air-distribution system, including the ducts and air handler cabinet.” (pg 3)

“An inference can be made as to the proportion of leakage to the outside under test conditions by pressurizing the house to reference pressure using a blower door during the **duct blaster** test.” (pg 2)

“For full details on **duct blaster** operating procedures, see reference [9] and ASTM E1554 [1-].” (pg 2)

“Blower door and **duct blaster** tests provide measurements of the leakage characteristics of the envelope and air-distribution systems, but may not be accurate for predicting how much outside air actually enters a particular house under particular driving forces.” (pg 2)

“**Duct blaster** tests are intended to quantify the duct leakage under standard conditions, they do not capture the nuances of actual operating conditions.” (pg 3)

“A combination of tests incorporating blower door, **duct blaster**, flow hood, and tracer gas was conducted to answer the following questions.” (pg 7)

“Minneapolis **duct blaster** testing was performed on the base-case house. Again, **duct blaster** measurements conducted by IBACOS in January 2000 were used for the pilot home in lieu of repeating the test.” (pg 11)

The Mark is also found without notation on the References list on page 16:

*Minneapolis **Duct Blaster** Operation Manual*. 8th edition. Minneapolis, Minnesota: The Energy Conservatory, April 1996. (See www.energyconservatory.com)

- ix. The U.S. Department of Energy, May 2012 report, Strategy Guideline: Transitioning HVAC Companies to Whole House Performance Contractors, uses the Mark as a glossary term in the following passages:

“Diagnostic duct leakage with a **duct blaster**.” (pg. 33)

“BPI also includes identifying natural gas leaks and monitoring ambient carbon monoxide, while HERS Rater training emphasizes duct testing with the use of a **duct blaster**.” (pg 34)

“**Duct Blaster**” as title heading on page 37.

“Basic Concept: Whereas a blower door pressurizes an entire home, a **duct blaster** pressurizes only the home’s duct system.” (pg 38)

“Duct leakage testing. Similar in concept to a blower door, a “**duct blaster**” pressurizes just the duct system of a home to make it easier to identify conditioned air leaks.” (pg 56)

“Since only the air leaked into unconditioned space or outdoors causes energy loss, a second “outside test” is run with the duct and conditioned space equally pressurized using a blower door and **duct blaster** simultaneously.” (pg 56)

- x. The U.S. Department of Energy presentation, Ducts: How the System Works, by Tom Brodbeck, Universal Energy, and Jack Martin, Bucks County Community College, presented at the 2011 National Weatherization Training Conference in New Orleans, uses the Mark as a glossary term in the following passages:

“**Duct Blaster**: Is a calibrated air flow measurement system used to test and document the Air tightness of forced air distribution system. The **duct blaster** can measure total leakage of a duct system (inside and outside) and with the use of a blower door can measure outside leakage.” (pg 39)

“Duct Leakage Testing with the **Duct Blaster**, Installed at the Furnace and CAR.” (pg 41)

“This test procedure requires use of a **Duct Blaster** system only.” (pg 42)

“Leakage to the Outside, Uses Blower Door & **Duct Blaster**.” (pg 43)

“The Leakage to Outside Test w Blower Door & **Duct Blaster**.” (pg 44)

“This test procedure requires simultaneous use of both a **Duct Blaster** and Blower Door system.” (pg 44)

“During this procedure, a Blower Door fan will be used to pressurize the building to the test pressure, while the **Duct Blaster** system is used to pressurize the duct system to the same pressure as the building.” (pg 44)

“This mode is a multi-purpose mode used to measure a test pressure on Channel A while simultaneously measuring air flow from the **Duct Blaster** fan on Channel B.” (pg 46)

“With the registers and grilles temporarily sealed off, the fog machine is used to inject a nontoxic theatrical fog through the **Ducts Blaster** and into the duct work.” (pg 47)

- xi. The Missouri Weatherization Assistance Program presentation uses the Mark as a glossary term in the following slide on page 23:

Duct Blaster

- Measures duct leakage
- Results help locate large leaks
- Leaks to the outside

- xii. In the Montgomery County Maryland, November 2011 DPS Updates newsletter, Constructive Comments, the Mark was used generically on the cover page as a cover line, within the page 2 Table of Contents, and as a glossary term in the following passage:

“What is a **Duct Blaster** Test? A duct blaster test involves pressurizing the duct system with a calibrated fan and simultaneously measuring the air flow through the fan and its effect on the pressure within the duct system.” (pg 8)

- xiii. In the Pennsylvania Housing Research Center Research Series Report No. 106, Energy Code Enforcement and Compliance in Pennsylvania: Lessons from the Field, the Mark was used as a glossary term as outlined below on page 53:

CFM₂₅: Cubic Feet per minute at 25 Pascals of pressure. A standard measure of duct leakage when using a **duct blaster**.

2. The Mark is used as a verb and here are a few examples of this use:

- i. In a presentation titled “The Challenge of Developing a 2012 North Carolina Energy Code That is 30% More Energy Efficient than the 2006 IECC by the Office of State Fire Marshall

of the North Carolina Department of Insurance, they used the Mark as a verb in the following sentence:

“Checklists and procedures for use by designers and code officials for blower door testing and **duct blasting**.”

- ii. In a presentation in December 2011 in New Orleans at the 2011 National Weatherization Training Conference, Advanced Diagnostics: Duct Leakage Testing by Messrs. Harris, Sherman, Stahl and George on behalf of the US Department of Energy, Energy Efficiency & Renewable Energy referred to the Mark as a verb in the following statements:

- i. **Duct Blasting** -Depressurization
- ii. **Duct Blasting** -Pressurization

- iii. In an article published in September 2009 in The Journal of Light Construction titled Home Performance Contracting by Mike Rogers, the author used the Mark as a verb in the following sentence:

“It’s critical that you take a close look at duct leakage and do a very thorough job of sealing any leaks you find. But even then, **duct blasting** when you’re testing in may be superfluous.”

3. The Mark is also used in the plural in the following statements:

- i. In report named Improving Air Distribution System (ADS) Performance in Manufactured Homes, Final Report to HUD for Cooperative Agreement Contract Number H-21353CA prepared in cooperation with U.S. Department of Housing and Urban Development, Affordable Housing Research and Technology Division submitted by Manufactured Housing Research Alliance published on January 2, 2003, the Mark is used in a plural form in the following sentence:

Persistence of these duct sealing measures can be inferred from increased volumes of mastic and other indicator products purchased from vendors, as well as the number of **duct blasters** purchased by manufacturers and DAPIAs¹⁰.

- ii. In the publication Strategy Guideline: Transitioning HVAC Companies to Whole House Performance Contractors by Arlan Burdick from IBACOS published in May 2012 refer to the Mark in a plural form in the following sentence:

How It Works: Two tests are typically performed with **duct blasters**: a “total leakage” test that reveals the extent of air leakage throughout the whole system, and an “outdoor test” that measures only leakage to the outside and unconditioned space (which causes energy loss).

- iii. In a presentation by Denton Municipal Electric named ENERGY AUDIT PROGRAM presented by: Lisa Lemons, Community Relations Manager and Elizabeth Hernandez,

Energy Programs Specialist; they are referring to the Mark in a plural form in the following manner:

Duct blasters are actually small blower doors connected to the duct system. They measure the severity of duct leakage and help locate the severity of duct leakage and help locate leaks.

4. We have conducted a search of various government websites including federal, agencies and states, various training and standards organizations and accrediting industry associations and found that the Mark was referred as a common terminology in their documentations as outlined below:

- i. In the U.S. Department of Energy, January 2006 Building America report, Residential System Research Results: Achieving 30% Whole House Energy Savings Level in Hot-Dry and Mixed-Dry Climates, the Mark was used as common terminology in the following passages:

“Common measurement techniques include tracer-gas tests, blower-door and **duct-blast**er tests, infrared imaging, current-voltage traces for photovoltaic systems (PV), and co-heating tests.” (pg 30)

“The simulations have been updated with a multi-point blower door and single-point **duct blaster**, as well as a measured outside air intake flow.” (pg 138)

- ii. In Volume 14 of the Building America Best Practices Series, Energy Renovations HVAC: A Guide for Contractors to Share with Homeowners, produced by Pacific Northwest National Laboratory & Oak Ridge National Laboratory in 2011 for the U.S. Department of Energy there is reference to the Mark as common terminology in the following manner:

“Your contractor will test the leakiness of the ducts with a **duct blaster** test.” (pg 20)

“Your Contractor will test the leakiness of the ducts with a **Duct Blaster** test. For some comparison of what is considered leaking, the International Energy Conservation Code (IECC) 2009 requires that duct leakage be tested in new construction if the ducts are located in unconditioned space, like an attic or crawl space.” (pg 21)

“After all safety tests reveal that the whole house operates safely, only then will the contractor conduct tests to determine energy performance. These tests include a blower door test to measure whole-house air leakage and a **duct blaster** test to measure duct leakage.” (pg 63)

- iii. In the U.S. Department of Energy, July 2004 Building America report, Building System Performance Package Targeting 30% - 40% savings in Space Conditioning Energy Use, the Mark was used as common terminology in the following passages:

“A common goal for duct leakage, measured using a “**duct blaster**” test, is 5 to 6 % leakage to the outside.” (pg 34, 81, 139)

“Figure I-37 shows a comparison of the duct leakage for the two homes tested using a **Duct Blaster**.” (pg 52)

“Testing included blower door and **duct blaster** testing, (t)here was no side-by-side control house; a typical Mercedes Home of similar size and with standard construction specifications was used for comparison.” (pg 105)

“To be sure the sealing has worked, it is advisable to perform a **duct-blaster** test (Figure III-9).” (pg 140)

“In addition, duct-blaster results obtained from the WestPac, the HVAC subcontractor, verified that the system was performing as specified with total leakage less than 5% of fan flow.” (pg 149)

- iv. In the U.S. Department of Energy, November 2011 Building America report, Measure Building: Summary of Interior Ducts in New Construction, Including an Efficient, Affordable Method to Install Fur-Down Interior Ducts, the Mark was used as common terminology in the following passages:

“Testing apparatus are two calibrated fans: a blower door to pressurize the house, and a **duct blaster** to pressurize the duct system.” (pg 42)

“Two tests can be performed with the **duct blaster**, one that measures the leakage of the entire duct systems – both in into the interior and exterior of the house, and a second test that measures the duct leakage to the exterior of the building only.” (pg 43)

- v. In the U.S. Department of Energy’s October 2009 Builders Challenge report, High Performance Builder Spotlight: Pulte Phoenix Cabrillo Point Use, the Mark was used as common terminology in the following passages:

“To meet Builders Challenge requirements, every home is frame inspected, insulation inspected, and **duct blaster** and blower door tested for air leakage.” (pg 1)

“Third party inspection of every home – **duct blaster**, blower door, visual inspection of framing, equipment and insulation installation.” (pg 2)

- vi. In the U.S. Department of Energy’s September 2009 Building America ENERGY STAR report, Case Study: Green Home Solutions by Grupe Lodi, CA, the Mark was used as common terminology in the following passages:

“At the end of the two weeks, the participating Grupe staff took the Building Performance Institute test. “Then, we went out and bought the equipment. We bought the blower door equipment, the infrared camera, the **duct blaster**, the smoking machine...” (pg 2)

“The original **duct blaster** test, which measures duct leakage, showed 15% leakage.” (pg 4)

- vii. In the U.S. Department of Energy’s October 2006 Building America case study report, Summerhill Homes: San Francisco Bay Area, the Mark was used as common terminology when listing the Key Features performed on the new construction home, “Sealed ducts with **duct blaster** testing” on page 2, and in the following passages:

“To ensure that ducts are tight, ConSol performs field inspections and diagnostics including **duct blaster** tests and measurements of air flow at each register in the home.” (pg 3)

“ConSol specifies spectrally selective low-emissivity windows and tight ducts and provides on-site third-party inspections and diagnostic testing including **duct blaster**, blower door, insulation density, air flow, and other measurements.” (pg 4)

- viii. In the U.S. Department of Energy’s May 2005 Building America report, The Hathaway “Solar Patriot” House: A Case Study in Efficiency and Renewable Energy, the Mark (**duct blaster**) was used when describing Air-exchange Characteristics in the context of Duct Leakage measure on page 8, and within the body of a Table 2 on page 10, and as common terminology in the following passages:

“While they were there, we also used the blower door in conjunction with a **duct blaster** to measure the duct leakage.” (pg 9)

“Because the basement was included as indoor space in the blower door and **duct blaster** test, the leakage to the outdoor was likely occurring in the attic.”
(pg 13)

- ix. In the U.S. Department of Energy’s September 2009 Home Performance with ENERGY STAR report, Case Study: HartmanBaldwin Design/Build Pasadena, CA, the Mark was used as common terminology in the following passages:

“Homeowner Jamie McCoy is not only thrilled by the results of her Home Performance with ENERGY STAR retrofit, which was completed over a year ago, but she is thrilled by the process HartmanBaldwin followed. “Everything in remodeling or construction seemed so imperfect and immeasurable to me... [HartmanBaldwin] did a **duct blaster** test and other tests, and then used numbers and measurements. [The results] were so verifiable. I thought, ‘this is great.’” (pg 2)

“Key Energy-Saving Features: **Duct blaster** showed duct leakage cut from 800 cfm to 62/70 cfm.” (pg 4)

- x. In the August 5, 2010 ENERGY STAR presentation, Existing Homes Efficiency – If You Want Better Buildings – Go with HPwES, the Mark was used as common terminology when describing the type of comprehensive testing required:

“Test out: Blower door, back draft and **duct blaster** is required.” (pg 52)

- xi. ENERGY STAR’s August 2010 article, Clark Howard Does His Homework, by Sydney G. Roberts, Ph.D., uses the Mark as common terminology in the following passage:

“A **duct blaster** test was performed to measure duct leakage of two HVAC systems” (pg 1)

- xii. The United States Environmental Protection Agency’s ENERGY STAR article, Independent Inspection and Testing: Helps Make Sure a Home is Energy Efficient, makes use of the Mark as common terminology in the following passage:

“This field verification ensures that energy-saving measures are consistent with ENERGY STAR guides. The process usually includes a blower door test (to test the leakiness of the house), a **duct blaster** test (to test the leakiness of the duct systems), and completion of a thermal bypass checklist (a visual inspection of common construction areas where air can flow through or around insulation).”
(pg 2)

- xiii. ENERGY STAR's December 2007, Financing Guidebook for Energy Efficiency Program Sponsors, makes use of the Mark as common terminology in the following passage:

"A comprehensive HERS assessment will typically include a top-to-bottom walk-through of the home, use of a blower door to measure air leakage, use of a **duct blaster** to measure duct leakage, and the use of an infrared camera to detect cold and hot spots and air movement in the walls." (pg 9)

- xiv. The National Renewable Energy Laboratory August 2008 Conference Paper, Field Evaluation of a Near Zero Energy Home in Oklahoma, presented at Energy Sustainability 2007 in Long Beach, California used the Mark **Duct Blaster** within the body of a title on page 4, and also as common terminology in the following passages:

"A duct-pressurization test typically involves the use of a **duct blaster** to measure the flow rate of air necessary to pressurize the air-distribution system to 25 Pa." (pg 5)

"Because there was no filter slot located at the air handler, the total air-handler flow rate was measured using the **duct blaster** instead of a calibrated orifice plate." (pg 5)

"The total flow rate was estimated to be about 1300±50 cfm, because the **duct blaster** reaches its maximum capacity at 1250 cfm, and we were just shy of the flow rate necessary to match the pressure in the supply plenum under normal operation." (pg 6)

"The envelope and duct leakage targets established by BSC were met for the ZEH, as measured using a blower door and **duct blaster**." (pg 12)

- xv. The National Renewable Energy Laboratory report, Financing an Energy-Efficient Home, produced for the U.S. Department of Energy in September, 2000 used the Mark as common terminology in a photo caption in the following passage:

"A home energy rating inspection sometimes involves a **duct blaster** test, which measures air leakage in the ductwork." (pg 2)

- xvi. In the brochure, Duct Sealing: Kentucky Home Performance MINIMUM REQUIREMENT, produced by Kentucky Home Performance, the Mark was used as common terminology in the following passages:

“Use a **Duct Blaster** or pressure pan to measure leakage rate prior to duct sealing. Divide **Duct Blaster** CFM by the system CFM to obtain leakage percentage or enter pressure pan readings into KHP leakage formula.” (pg 2)

- xvii. In the Final Report, Iowa Residential Energy Code Plan Review and Field Inspection Training, produced September 2003 for the U.S. Department of Energy, the Mark was used as common terminology in the following passages:

“The original intent for this study was to perform a **duct blaster** test on all of the duct systems but, after performing air leakage tests during the initial field visit, the results from this effort were found to be inclusive and the testing abandoned.” (pg 28)

“The team is the primary Energy Star provider in the Las Vegas metropolitan area, also working in California and Arizona providing Energy Star and energy code compliance services including blower door and **duct blaster** testing.” (pg 61)

“In addition, blower door and **duct blaster** equipment needed to be shipped back and forth the Iowa, which needed to be accounted for.” (pg 64)

- xviii. In the report, Assessment of Impacts from Updating Iowa’s Residential Energy Code to Comply with the 2003 International Energy Conservation Code, produced October 2003 by the U.S. Department of Energy, the Mark was used as common terminology in the following passage:

“The state of Iowa should consider targeting improved duct sealing by training HVAC installers and increasing code enforcement, including spot-testing with a “**duct blaster**” and similar tests.” (pg 13)

- xix. In the June 2011 Final Report, Measuring the Baseline Compliance Rate for Residential and Non-Residential Buildings in Illinois Against the 2009 International Energy Conservation Code, produced by Association of Professional Energy Consultants, Inc. the Mark was used as common terminology in the following passages:

“Only two jurisdictions, Hoffman Estates (BPI) and Naperville (HERS) have invested a portion of their ARRA Energy Efficiency Community Block Grant (EECBG) monies in the building diagnostic equipment (combustion analyzer, blower door, **duct blaster** kit, thermal imaging camera, etc.) and home energy performance contractor certifications (BPI and HERS) of their building

department personnel required for conducting the performance testing residential structures. Most code official's wished they would have the opportunity to receive blower door and **duct blaster** training." (pg 24-25)

"Lack of equipment (e.g. **duct blaster**)" (pg 32)

- xx. In, Iowa Green Streets Criteria, produced by the Iowa Economic Development, the Mark was used as common terminology in the following passage:

"Verifying the final performance of the building with post-construction performance testing, including a blower door and **duct blaster** test of the home and/or units." (pg 54)

- xxi. In the April 6th, 2012 City Council Agenda for the City of Moscow, Indiana, the Mark was used as common terminology in the following passage:

"On June 7, 2010, the City Council authorized acceptance of a grant award under the American Recovery and Reinvestment Act (ARRA) from the Idaho Office of Energy Resources in the amount of \$96,200 for the purchase and installation of LED traffic lights and crosswalk signalization; purchase of new fixtures with LED lights for Friendship Square; **duct blaster**/camera equipment for testing and reporting of new energy code requirements; energy code and green building professional development training. And purchase of new light poles, fixtures and LED lights for the Jackson Street Parking Lot." (pg 1)

- xxii. The Florida Energy Systems Consortium document, GHG Case Study: Utility Home Energy Efficiency Rebate Programs (Gainesville Regional Utilities), used the Mark as common terminology in the following photo caption:

"Figure 1. National Renewable Energy Laboratory staff member Sara Farrar conducts a **duct blaster** test to evaluate the duct leakage rate. (Image Courtesy: NREL)." (pg 2)

- xxiii. The U.S. Department of Energy Building Technologies Program report published January 2011, High Performance Builder Spotlight: Artistic Homes Albuquerque, New Mexico, used the Mark as common terminology in the following way:

"3rd party HERS rater blower door and **duct blaster** testing of every house." (pg 2)

- xxiv. The U.S. Department of Energy Tribal Multi-County Weatherization Program October 2010 project report on the Scotts Valley Band of Pomo Indians uses the Mark as common terminology on the following slide, page 9:

“23 Tribal members received Weatherization Training. Courses included classroom instruction and hands on training:

- Basic Weatherization
- Combustion Appliance Safety
- **Duct Blaster** and Blower Door

From this training three Tribal members have been hired by Tribes to do weatherization to improve Tribal home energy efficiency.”

- xxv. The Manufactured Housing Research Alliance January 2003 report, Improving Air Distribution System (ADS) Performance in Manufactured Homes: Final Report to HUD for Cooperative Agreement Contract Number H-21353CA, prepared in cooperation with the U.S. Department of Housing and Urban Development, uses the Mark in the fifth⁵ footnote on page 6, and as common terminology in the following passage:

“The equipment used for measuring duct leakage was from The Energy Conservatory, makes of the Minneapolis **Duct Blaster** and Blower Door.” (pg 6)

- xxvi. The U.S. Department of Energy’s Weatherization Assistance Program report, National Weatherization Training & Technical Assistance Plan, published December 2009, uses the Mark as common terminology in the following passages:

“Determine the amount of duct leakage or at least the existence of significant duct leakage by conducting pressure pan, **duct blaster**, or delta Q tests.” (pg 6)

- xxvii. In a presentation in December 2011 in New Orleans at the 2011 National Weatherization Training Conference, Basic Energy Auditing & House Assessment, presented by Messrs. Rod Burk and Ken Robinette on behalf of the U.S. Department of Energy, Energy Efficiency & Renewable Energy referred the Mark as common terminology in the following passages:

“Blower Door/**Duct Blaster** (Optional)” (pg 14)

“Water Heater, Blower Door & **Duct Blaster**” (pg 28)

“Run **Duct Blaster** Test (if Applicable)” (pg 28)

- xxviii. In the Bonneville Power Administration document, Airflow Test (Detailed Instructions), the Mark was used as common terminology in the following passages:

“If the TrueFlow cannot be used because of physical obstacles or other problems, use the **Duct Blaster** matching method worksheet with full procedure found on page three of this document.” (pg 1)

“7. Turn **Duct Blaster** on and slowly increase flow until the supply plenum pressure is the same as NSOP.” (pg 3)

- xxix. In the July 2011 issue of Contractor Connections, a contractor newsletter published by Butler County Rural Electric Cooperative, referred to the Mark as common terminology in the article titled, “Midwestern Energy Solutions can help improve the energy performance of a home”:

“Steil’s building assessment includes a blower door test, a thermographic scan, and a **duct blaster** test.”

“The **duct blaster** test uses a small fan with a pressure gauge to pressurize the duct system.”

“From left): John Steil and Larry Schultz, energy advisor at Butler County REC, with a **duct blaster** they are preparing to install.”

- xxx. In the California Energy Commission’s October 2003 Technical Report, Residential Duct Placement Field Test and Research Reports, the Mark was used as common terminology in the following passages:

“The duct leakage was measured by sealing all the supply registers, and pressurizing the duct system to 25 Pa with a **duct blaster**. The flow rate through the **duct blaster** required to maintain 25 Pa is the duct leakage at 25 Pa. The duct leakage to outside is measured by performing the duct leakage test, but with the house pressurized to 25 Pa using a blower door. Since the pressures in the house and the duct system are the same, there is no flow between them and the **duct blaster** flow is now only that portion of the duct leakage which is escaping to the outdoors.” (pg 16)

“Use the **duct blaster** to get the duct system to 0 Pa relative to the house (0 Pa across the **duct blaster**).” (pg 51)

“Read the leakage to outdoors from the **duct blaster**.” (pg 51)

- xxxi. In the New Buildings Plan Requirement document produced by the City of Ankeny, Iowa, the Mark was used as common terminology in the following passage:

“Note: 2x4 wall construction without R-5 foam on the exterior requires HERS Raters to provide documentation of energy features and to inspect all facets of construction and to perform a blower-door test as well as a **duct-blast**er test as applicable and to provide a compliance certificate prior to final inspection.” (pg 1)

- xxxii. In the City of Arlington’s May 2012 Technical Bulletin, the Mark was used as common terminology in the following passage:

“Ductwork installed coincident with a new HVAC system must demonstrate leak tightness with a **duct blaster** performance test.” (pg 1)

- xxxiii. In the City of Clebume, Texas document, Building Envelope Air Sealing & Duct Tightness 2009 Energy Code Compliance Certificate (Blower Door & Duct Blaster Testing), the Mark was used as common terminology in the title of the document, and as noted below:

“I certify that I have conducted a **duct blaster** test.”

- xxxiv. In the document, Independent Third Party Energy Technician Registration Form, produced for the Department of Public Works & Engineering Planning & Development Services Division for the City of Houston, Texas, the Mark was used as common terminology in the following passage:

“I attest that I am not affiliated with a builder or construction company and that I perform diagnostic testing (blower door, **duct blaster**) as an independent third-party agent.” (pg 1)

- xxxv. In the document, Procedural Notice: Residential HVAC Energy Compliance, produced by the Public Works Department for the City of Meridian Idaho in January 2011, the Mark was used as common terminology in the following passage:

“**Duct Blaster** Test: MANDATORY in 2009 code. *Exception:* systems installed in conditioned space or heated basements. **Duct blaster** test results, certification number, equipment model number and equipment serial numbers shall be required on a sticker placed on the furnace.” (pg 1)

- xxxvi. In the November 3rd, 2010 Green Communities Webinar, The MA 'Stretch' Energy Code 201, produced by the Commonwealth of Massachusetts, the Mark was used as common terminology in the following presentation slide:

"What performance testing is already required for new homes in the MA residential energy code (IECC 2009)?

- Blower-door testing of air leakage
- **Duct-blast**er test of duct air leakage
- Both **duct-blast**er and blower-door test
- No performance testing is required" (pg 27)

- xxxvii. In the Denton Municipal Electric presentation titled, Energy Audit Program, the Mark was used as a glossary term in the following passage:

"Duct Blaster Test with Digital Gauge" (pg 4)

- xxxviii. In the Energy Center of Wisconsin August 2008 report, A Field Study of Exterior Duct Leakage in New Wisconsin Homes, the Mark was used as common terminology in the following passages:

"(In the latter case, a second **duct blaster** was needed to provide airflow to the air handler at a pressure mimicking the return side of the duct system.)" (pg 7)

"Leakage estimates that are clearly low could obviate the need for performing additional, more time-consuming tests such as the **Duct Blaster** test. Moderate leakage levels (within the level of uncertainty) may require a **Duct Blaster** test to determine whether the leakage really is excessive. Depending on the program, high leakage levels could also obviate the need for more cumbersome testing. If a pre-post comparison was required then other, more repeatable testing such as the **Duct Blaster** test is likely necessary." (pg 17)

- xxxix. In the January 2011 document, Georgia State Supplements and Amendments to the International Energy Conservation Code (2009 Edition), produced by the Georgia Department of Community Affairs, the Mark was used as common terminology in the following passages:

"Duct Testing: A duct pressurization blower (e.g., **duct blaster**), a modified blower door subtraction method, or a computer automated multipoint blower door subtraction method shall be used to measure duct tightness. When using a duct pressurization blower (e.g., **duct blaster**), all register boots shall be taped or otherwise sealed during the test. If using a blower door subtraction

approach, all register boots shall be taped for one portion of the two-part test. For all tests, the blower door and **duct blaster** manufacturers' testing protocol should be used in addition to the following:" (pg 31-32)

"If using the duct pressurization blower (e.g., **duct blaster**), the duct system shall be pressurized or depressurized to 25 Pascals with reference to the outside and the cfm of duct leakage shall be measured at this test pressure (CFM₂₅)."(pg 32)

- xl. In NC HealthyBuilt Homes Program Version 4.25 Statewide Checklist, the Mark was used as common terminology in the following passages:

"5. All final measurements and calculations are subject to a 2% deviation allowance (5% for Blower Door and **Duct Blaster** measurements)." (pg 2)\

"Perform **Duct Blaster** test and meet the following minimum standards when measured in CFM/25Pa of leakage;" (pg 9)

- xli. In the New Hampshire Energy Code: Compliance Roadmap, Volume 2 document, the Mark was used as common terminology in the following passages:

"This in-field workshop focused on hands-on educational tools including blower door and **duct blaster** testing at a residential construction project." (pg 28)

"This in-field workshop focused on hands-on educational tools including blower door and **duct blaster** testing at a residential construction project." (pg 43)

- xlii. In the New Hampshire Energy Code: Compliance Roadmap, Executive Summary document, the Mark was used as common terminology in the following passages:

"Lack of Resource and Training: Lack time to attend trainings; Lack of resources – code books, checklists, testing equipment, blower doors, **duct blasters**, IR cameras; Need for advanced in-field training." (pg 13)

"Lack of Resource and Training: Lack of resources, material, and tools; Limited availability of code books, checklists, and testing equipment (blower door, **duct blaster**, ect.); Lack of targeted or advanced/technical trainings and CEU requirements." (pg 14)

- xliii. In NC HealthyBuilt Homes Program, Reference Manual Version 4.25, the Mark was used as common terminology in the following passages:

“All final measurements and calculations are subject to a 2% deviation allowance (5% allowance for Blower Door and **Duct Blaster** measurements).” (pg 3)

“Note: If fresh air is introduced into the air handling system without an electronic controller for the fresh air damper, RESNET requires that the **duct blaster** test be run with the damper open, which will increase the duct leakage reported.” (pg 7)

“Perform **duct blaster** test and meet the following minimum standards when measured in CFM of leakage at 25 Pascals;” (pg 38)

- xliv. In the North Dakota Department of Commerce, Diagnostic Field Form document, the Mark was used as common terminology in the following passages:

“The **duct blaster** may also be used to test the duct work. If this procedure is used, the task may be considered complete if the cfm leakage to the outside (measured at 25 pa) is less than 7% of the total floor space. (Example; if a mobile home is 14X66, the area is 924 sq. ft. The **duct blaster** reading must be less than 7% of the floor area of 924, or 64.7 cfm).” (pg 2)

- xlvi. In the presentation, Low-Income Weatherization: Current Successes and Future Directions, produced by the Oregon Low-Income Weatherization Coordinator, Dan Elliott, for Poverty Conference 2006, the Mark was used as common terminology in the following passages:

“Diagnostic Tools: **Duct Blaster** and Manometer” (pg 21)

“Diagnostic procedures

- Blower Door
- **Duct Blaster**
- Worst-case draft testing
- Etc...” (pg 43)

- xlvi. In the presentation, Performance Testing Requirements in the 2009 IRC: Duct leakage testing & Building enclosure leakage verification, produced by Pennsylvania Housing Research Center, the Mark was used as common terminology in the following figure captions:

“**Duct blaster** fan running with ducts in normal operating condition” (pg 23)

“Duct blaster running with register sealed.” (pg 24)

“Duct blaster running with registers sealed.” (pg 25)

- xlvi. In the September 2009 Webinar Series, Verification Required!: New Duct Leakage Testing Requirements in the 2009 IRC, produced by Pennsylvania Housing Research Center, the Mark was used as common terminology in the following figure captions:

“Duct blaster fan running with ducts in normal operating condition” (pg 20)

“Duct blaster running with registers sealed.” (pg 21)

“Duct blaster running with registers sealed.” (pg 22)

- xlvi. In the Pennsylvania Housing Research Center Research Series Report No. 106, Energy Code Enforcement and Compliance in Pennsylvania: Lessons from the Field, the Mark was used as common terminology in the table of contents for the title of section 4.3.1, Interpretation of **Duct Blaster** Test Results, and in the following passages:

“Home performance data were collected through visual inspections, blower door and duct blaster tests and infrared scans.” (pg 1)

Title on page 8, **“Duct Blaster Test”**

“The PHRC team performed ten duct leakage tests in this study using a duct blaster. A duct blaster is essentially a small blower door used for estimating duct leakage.” (pg 8)

“A Minneapolis Duct Blaster system was used to conduct depressurization tests, including total duct leakage and duct leakage to outside the thermal envelope.” (pg 8)

“The Duct Blaster fan was usually installed at the air handler with duct pressure measured in the main supply trunk.” (pg 8)

“Duct leakage inputs were based on the duct blaster tests described above.” (pg 9)

“Performance tests consist of a blower door test to estimate air infiltration levels in thermal envelope, and a **duct blaster** test to estimate duct leakage.” (pg 36)

“Results from **duct blaster** testing are most meaningful when standardized for duct area.” (pg 40)

“Figure 4.3 shows total duct leakage in cubic feet per minute (CFM) when tested with a **duct blaster** at a pressure of -25 Pa.” (pg 41)

“Figure 4.4 shows duct leakage to outside the building thermal envelope in cubic feet per minute (CFM) when tested with a **duct blaster** at a pressure of -25 Pa.” (pg 41)

“Data from blower door tests and **duct blaster** tests were used as inputs in these simulations along with inputs of building component areas and other information as described in the Methods section of this report.” (pg 43)

- xlix. In the Pennsylvania Housing Research Center presentation produced for the February 2012 PA Housing & Land Development Conference, Sealing Ductwork to Meet Code, by Jack Wilson, Penn College of Tech., the Mark was used as common terminology in the following passages:

“A **duct blaster** is required to perform the test” (pg 20)

“**Duct Blaster**” used as a title on page 20.

“**Duct Blaster Test**” used as a title on page 21.

- i. In the Salt River Power, Duct Test and Repair Rebate Program application, the Mark was used as common terminology in a title on page 2.

“**Duct Blaster**”

- ii. In the January 2008 issue of Energy Briefs, Blower Door and Duct Blaster Testing: Diagnostics for an energy efficient house, produced by the South Carolina Energy Office, the Mark was used as common terminology in the following passages:

“Measuring Duct Leakage with a **Duct Blaster**: A **duct blaster** combines a small fan and a pressure gauge to pressurize a house’s duct system and accurately measure air leakage of the ductwork.” (pg 1)

“**Duct Blaster: Total**. The **duct blaster** is connected to the air handler to pressurize the taped-over duct system to 25 Pascals.” (pg 2)

“**Duct Blaster: To Outside**. Since some duct leakage usually occurs within the conditioned space and is not necessarily bad from an energy standpoint, an additional duct test is performed to measure leakage *To Outside*. For this test, the blower door is used to pressurize the house to 25 Pascals and the **duct blaster** pressurizes the ductwork to the same level.” (pg 2)

“**Duct Blaster Test Results: Ductwork and Mechanical**” (pg 2)

- lii. In the report produced by the State of California Department of Community Services and Development, Weatherization Assistance Program for Low-Income Persons Draft: 2009 American Recovery and Reinvestment Act (ARRA) State Plan and Application to the U.S. Department of Energy, the Mark was used as common terminology in the following passages:

“Blower Door/**Duct Blaster** Policy Implementation;” (pg 38)

“Pre-**Duct Blaster**/Blower Door Diagnostics” (pg 39)

“**Duct Blaster**: December 2005” (pg 40)

“For existing field staff that have never completed training in Basic Weatherization or **Duct Blaster**/Blower Door Diagnostics, or for whom no training dates are recorded but have field experience, crews shall be required to follow the training plan described below.” (pg 40)

“Basic weatherization, **Duct Blaster**, and CAS and Blower Door training to meet the increased level of training needs resulting from new hires and retraining of current field staff.” (pg 55)

- liii. In the State of Florida document, Proposed Modification to the Florida Building Code, the Mark was used as common terminology in the following passage:

“The “substantially leak free” test to be performed by a Florida Class 1 Rate, is a duct pressure test using a **Duct Blaster** and costing approximately \$250.” (pg 7)

- liv. In the State of Utah presentation, Utah Building Energy Code Compliance Study Overview: Phase 2, the Mark was used as common terminology in the following passage:

“HERS ratings w/diagnostic tools – infrared camera, **duct blaster**, blower door testing” (pg 4)

- lv. In the May 2011, Texas Department of Housing and Community Affairs document, Best Practices – NEAT Duct Testing, the Mark was used as common terminology in the following passage:

“See the “Texas Weatherization Field Guide” (provided to each student in the TDHCA Basic Weatherization Class) for more information on **duct-blaster** use.” (pg 1)

- lvi. In the April 2012 letter from the Town of Zionsville, addressed to Builders and Remodelers, the Mark was used as common terminology in the following passage:

“All ducts, air handlers, filter boxes shall be sealed and duct tightness must be tested with a **duct blaster** and may not exceed maximum amounts.” (pg 4)

- lvii. In the Duct Leakage Affidavit for Existing Construction, produced by the Clark County Washington Community Development department, the Mark was used as common terminology in the following passage:

“**Duct Blaster** location:” (pg 1)

- lviii. In the Wayne County Sustainable Energy Network brochure, Home Energy Audits: Improve the Energy Efficiency of Your Home, the Mark was used as common terminology in the following passage:

“Duct Testing – **Duct Blaster**”

5. During our search, we have noticed that the Registrant has failed to enforce the Mark as early as April 2003 in an article *Pressure Testing Ductwork* published in Journal of Light Construction (JLC) in which the Mark is used numerous times in the article without saying that it is a registered trademark and also it is used as common terminology on page 4 of the article stating:

“A **Duct Blaster** test on a single air distribution system takes about 45 minutes to 1 1/2 hours to perform”

6. The following section will show that even the Registrant, The Energy Conservatory, has failed to state in their documentation that the Mark is registered. A few examples of their improper use of the registered Mark are outlined below:

- I. In a December 2008 document, Field Calibration Check Procedure: Minneapolis **Duct Blaster** System (with DG-700), The Energy Conservatory failed to show the Mark is registered within the body of the title, and throughout the document as follows:

“The following procedure uses a Duct Blaster Field Calibration Plate to perform a field calibration check on your Series B Minneapolis Duct Blaster System (with DG-700 gauge).” (pg 1)

“Set up the **Duct Blaster** fan for depressurization testing, with Ring 3 installed.” (pg 1)

“The round transition piece (with attached flex duct) should be connected to the inlet side of the **Duct Blaster** fan (using the fan connecting trim), with Ring 3 installed between the round transition piece and the fan inlet. Be sure the connecting trim is securely fastened all the way around the inlet flange of the **Duct Blaster** fan.” (pg 1)

“Connect the **Duct Blaster** speed controller to the fan, and plug the speed controller into a power outlet (the controller should be turned off).” (pg 1)

“Connect a 2nd piece of tubing from the brass tap on the **Duct Blaster** fan to the Channel B Input tap.” (pg 3)

“Press the DEVICE button 4 times to select the Series B **Duct Blaster** fan (DB B should be displayed in the DEVICE window).” (pg 3)

“Make sure the DG-700 is located away from the air flow that will be exiting the **Duct Blaster** fan.” (pg 3)

“Turn on the **Duct Blaster** fan and take a flow reading from the field calibration plate: Turn on the Duct Blaster fan by slowly turning the knob on the fan controller clockwise.” (pg 4)

“If the flow reading is between 103 and 109 CFM (while Channel A is between 24.5 and 25.5 Pa), the **Duct Blaster** System (fan and gauge) passes the field calibration check.” (pg 4)

“If the flow reading is less than 103 CFM, or greater than 109 CFM, the, the **Duct Blaster** System fails the field calibration check, and the operator should consult the Troubleshooting Guide below.” (pg 4)

"Troubleshooting Guide (**Duct Blaster** System has failed the field calibration check." (pg 4)

"Make sure you have correctly installed Ring 3 on the **Duct Blaster** fan in the depressurization mode (see Item 1 above). " (pg 4)

"Also be sure that air flow from the **Duct Blaster** fan is not blowing on the DG-700 gauge." (pg 4)

"If the **Duct Blaster** System still fails, send the **Duct Blaster** System (including the DG-700 gauge) to The Energy Conservatory for repairs and/or calibration adjustment." (pg 4)

"Field Calibration Check Form Series B Minneapolis **Duct Blaster** (with DG-700 gauge)." (pg 5)

"**Duct Blaster** Fan Serial #" (pg 5)

- II. In a January 2007 document, Procedure for Field Checking the Model 3 Blower and Series B Duct Blaster Fans", The Energy Conservatory failed to show the Mark is registered within the body of the title, and throughout the document as follows:

"Model 3 Blower Door and Series B **Duct Blaster** fans maintain their calibration unless physical damage occurs to the fan." (pg 1)

"Series B **Duct Blaster** fan" (pg 2)

"The **Duct Blaster** uses a flow sensor manufactured out of thin stainless steel tubing." (pg 2)

"Attach a piece of tubing to the brass pressure tap on the **Duct Blaster** fan housing." (pg 2)

"b. Series B **Duct Blaster** Fan" (pg 3)

"Diagram #2 (Series B **Duct Blaster** Fan)" (pg 5)

"B. Series **Duct Blaster** Fan" (pg 7)

"When using the **Duct Blaster** fan to conduct a duct leakage depressurization test (i.e. the flex duct is connected to the inlet side of the fan), always position the fan so that the flex duct is stretched relatively straight for about 4 feet in front of the fan." (pg 7)

"The term "backpressure" is used to describe the pressure that the **Duct Blaster** fan is working against when it is running. Backpressure is determined by

measuring the static pressure difference between the air directly upstream of the fan, and the air directly exiting the fan. High backpressures are typically caused by a large restriction between the **Duct Blaster** fan and the location where the test pressure is being made. Although the **Duct Blaster's** flow sensor was carefully designed to be affected as little as possible by variations in backpressure, under certain very high backpressure operating conditions (described below) the calibration of the fan can degrade.” (pg 7)

“Series B **Duct Blaster** fans can be used in most testing applications with backpressures up to 100 Pascals with no significant effect on calibration accuracy.” (pg 7)

“Operating the **Duct Blaster** fan under these operating conditions is not advised. To avoid this problem:” (pg 7)

“Always try to avoid connecting the **Duct Blaster** fan to the duct system using a relatively high resistance connection (such as a small supply register).” (pg 7)

“If the flexible extension duct is being used, the backpressure can be easily determined by measuring the pressure difference between the room where the **Duct Blaster** fan is installed and pressure inside the flex duct (measured from the plastic tap on the round transition piece).” (pg 7)

“5. General Maintenance Information for Model 3 Blower Door and Series B **Duct Blaster** Fans” (pg 8)

“b. Series B **Duct Blaster** Fan” (pg 8)

“The **Duct Blaster** fan motor is not a continuous duty motor and should not be run for extended periods of time (more than 2 hours at one time).” (pg 8)

“Field Check Form Model 3 Blower Door and Series B **Duct Blaster** Fans” (pg 9)

- III. In Chapter 13 of The Energy Conservatory document, Using the **Duct Blaster** as a Powered Capture Hood, the Registrant failed to show the Mark is registered within the body of the title, and throughout the chapter of the document as follows:

“In addition to measuring duct airtightness, the Minneapolis **Duct Blaster** can be used as a powered capture hood to measure total air handler flow, as well as air flows through supply and return registers, exhaust fans and other air flow devices.” (pg 54)

“If you are using a DG-700, the gauge has a built-in mode (PR/ AH) which can be used for making measurements of total air handler flow with a **Duct Blaster** fan.” (pg 54)

“Part 2: Connect the **Duct Blaster** Fan to the Duct System: The **Duct Blaster** fan is typically installed at the air handler cabinet. However, if this test is being performed on a single return duct system, and the return ductwork is substantially airtight, the **Duct Blaster** fan may be installed at the single return.” (pg 54)

“Now install the **Duct Blaster** in place of the air handler cabinet access door as described in Section 5.2.b Option 2. In this configuration, all return air flow will be moving through the **Duct Blaster** fan, with the return ductwork effectively sealed off from the supply system. Connect a piece of tubing to the brass pressure tap on the **Duct Blaster** fan housing. Connect the other end of the tubing to the Channel B Input tap. The Channel B Reference tap should be connected to the space where the **Duct Blaster** fan is installed. If the **Duct Blaster** fan and gauge are located in the same space, leave the Channel B Reference tap open.” (pg 55)

“Note: If the air flow exiting from the **Duct Blaster** is severely obstructed by the air handler fan or other air handler components, this may significantly reduce the total flow capacity of the **Duct Blaster**. If this is a problem, try attaching the **Duct Blaster** fan to the blower compartment access opening using a small cardboard box rather than a flat piece of cardboard. This will tend to increase the **Duct Blaster** fan flow by providing less restriction to air flow as it enters the air handler blower compartment.” (pg 55)

“An optional 20” x 20” filter grille attachment panel is available from TEC to provide for quick attachment of the **Duct Blaster** fan to the filter slot of a single return.” (pg 55)

“You may now secure the Duct Blaster fan directly to the attachment panel using the 4 clips mounted on the panel. The clips are pushed down onto the exhaust flange of the Duct Blaster fan.” (pg 55)

“Note: The Duct Blaster fan can also be attached to the filter slot using cardboard and tape.” (pg 55)

7. We have enclosed series of documents supporting our Petition for Cancellation. These documents come from an Internet search for the Mark. The supporting documents have been divided into the following sections:

To bestow or continue a monopoly on a descriptive term where the Registrant has failed for over nine years to assert his right to enforce the Mark would be contrary to the public interest in promoting competition.

WHEREFORE, Petitioner prays that Registration No. 1,811,481 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner. For the reasons set forth above, the granting of this Petition for Cancellation is requested.

Respectfully submitted

Dated: _____

By:

A handwritten signature in black ink, appearing to read 'Mario Dionne', with several long, sweeping strokes extending to the right.

Mario Dionne
Managing Director
Retrotec Inc.